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REMARKS

Claims 1, 6, 13, and 17-19 have been amended, claim 7 has been canceled, and new claims 21-22 have been added. Accordingly, claims 1-6 and 8-22 are now pending in the application.

Applicant notes that the Examiner did not initial and return the PTO-1449 submitted on September 29, 2003, when the subject application was filed. She is requested to do so with the next office action.

Applicant notes with appreciation the objection to the drawings under 37 CFR 1.83(a). The present application, as filed, is a copy of the original parent application, as filed, which inadvertently included a set of drawings not having reference numerals. Accordingly, new Figs. 1-2 are submitted herewith, which include the requisite reference numerals, and a new Fig. 3 has been added, which shows a schematic cross-section of the inventive access enclosure, wherein it has been installed through a fire-rated wall into a restricted space. These are the same drawings which were entered into the parent application. No new matter has been entered by these changes, since the subject matter of Fig. 3 was already fully disclosed in the specification, and the reference numerals were already provided and explained. The specification has been amended to provide specific support for new Fig. 3. Thus, the objection to the drawings is believed now to be fully addressed.

Claims 6, 17, 18, and 20 are rejected under 35 U.S.C. 112, second paragraph as being indefinite. With regard to claim 6, Applicant disagrees with the Examiner's point, since the access panel is a structure which includes a frame, so if the cage is welded to the frame of the access panel, it is certainly welded to the access panel. However, it is moot, since the claim has been amended to recite that the cage is welded to the frame of the access panel. With respect to claims 17, 18, and 20, it is noted that claims 13 and 19, upon which the cited claims depend, have been amended to address the concerns of the Examiner. Applicant respectfully submits that all of the pending claims are definite with respect to the provisions of 35 U.S.C. 112, second paragraph, and that the rejection should now be withdrawn.

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Claims 1, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Peppet '001. Responsive thereto, it is noted that the subject application is a continuation under 35 U.S.C. 120 of parent Patent No. 6,625,934, which has an effective filing date of January 6, 2000. Therefore, the Peppet patent, having an effective filing date of November 15, 2000, is not effective prior art to the subject application. Accordingly, this rejection must be withdrawn.

Claims 1, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Mason et al. '969. This rejection is respectfully traversed, particularly with respect to the claims as amended. Regarding independent claim 1, Mason et al. do not disclose an access panel including a door and a frame peripherally surrounding the door, wherein the door is attached to the frame. Moreover, Mason et al. does not disclose a cage attached to the (nonexistent) frame, as recited. Rather, Mason et al. discloses a mere cage for animals, having a door, but no frame. Therefore, claim 1 is clearly not anticipated by Mason et al. Claims 8 and 9 depend upon patentable claim 1, and are therefore patentable as well.

Claims 13-15, 17, and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Redburn et al. '285, and claims 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Redburn. These rejections are a considerable stretch, to say the least. The Examiner freely mixes elements from each of several embodiments shown in Figs. 5, 8A, 8B, and 8C, which is impermissible in an anticipation rejection, unless the reference discloses, on its face, that the method steps employed to operate each of the different embodiments are interchangeable. In other words, the Examiner refers to Fig 8A to support the concept of placing an access enclosure (the drawer?) through an opening in a wall (the table shown in Fig. 8A?), as recited in the first step of claim 13. However, she then refers to Figs. 8B and 8C for the step of "opening the door". This she cannot do, because the reference discloses nothing about employing a door of the type shown in the embodiments of Figs. 8B and 8C in the embodiment of Fig. 8A, and it would make no sense to do so. In other words, for an anticipation rejection, the Examiner is not permitted to "mix and match" different elements or steps disclosed for different embodiments disclosed in the allegedly anticipating reference. So, fixing on the cited embodiment of Fig. 8A, there is not disclosed in connection with

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that embodiment the claimed cage, since the shown drawer does not have the recited plurality of openings. Moreover, even if it is regarded as the "cage", there is thus no separate door, as recited, which can be opened to inspect or test the environmental testing device 2. When the drawer, as a whole, is slid open, the sensing device is displaced, with the drawer, into a space outside of the table, which does not afford the recited "restricted access". In short, it is abundantly clear that method claim 13 is patentable over the Redburn et al. patent.

Regarding claims 14 and 15, which are dependent upon claim 13, there is no shelf in the drawer of the embodiment of Fig. 8A, and for this additional reason, the rejection of these claims is clearly improper and must be withdrawn.

Regarding independent claim 19, Redburn et al. does not disclose at all a fire-rated wall, as recited in the claim. Moreover, as discussed above, when the drawer in Fig. 8A is pulled out, the environmental sensing device is no longer in direct fluid flow contact with the restricted space, so the recited inspecting step is not met. Thus, clearly, claims 19 and 20 are patentable over the Redburn et al. patent.

Regarding claims 16 and 18, although these claims are rejected based upon an obviousness rationale, meaning that various embodiments of Redburn et al. could be combined, if doing so would have been obvious, there would have been no motivation for doing so since each embodiment is directed to a disparate application. Thus, this rejection fails as well.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mason in view of Anderson '143. This rejection is improper, and must be withdrawn, since the Anderson reference has an effective filing date of November 20, 2001, almost two years after the effective filing date of the present application, and is thus not effective prior art.

Claims 3-5 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mason in view of Azpurua '845. This rejection is traversed because claim 1 is patentable over the Mason reference, for the reasons discussed above, and the Azpurua reference supplies nothing to compensate for the deficiencies of Mason.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mason in view of Dyer '157. Claim 7 has been canceled. However, the rejection is

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traversed, because there would have been no motivation to apply the teachings of Dyer '157 to the cage of Mason et al. Dyer discloses a large foldable security cage, of a type used for storing construction equipment (see col. 1, lines 54-62). Necessarily, this structure needs to be of a strong, frame-based construction. On the other hand, the Mason patent discloses a small lightweight cage for arboreal reptiles. Absent the teachings of Applicant, there would have been absolutely no motivation for applying the Dyer teachings to the Mason cage, for obvious reasons, since the two structures are totally disparate in size and intended purpose. Thus, the rejection is improper and should be withdrawn.

The rejection of claim 10, based upon the Mason patent and the Anderson published patent application, is legally improper, for the reasons discussed above, since the Anderson reference is not prior art to the present application.

In view of the foregoing, Applicants respectfully submit that the subject application is in condition for allowance, and early notification of same is earnestly solicited. The Examiner is requested to contact the undersigned at the number below, should any further questions or issues need to be resolved.

Respectfully submitted,



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